

Attorney's Docket No.: 12587-018001
Client's Ref. No.: D01-095

OFFICIAL COMMUNICATION :

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FOR THE PERSONAL ATTENTION OF:

EXAMINER YEAN-HSI CHANG

GROUP 2835 FAX NO: 703/872-9319

Number of pages including this page 5

Applicant : Dana Le et al.
Serial No. : 10/087,134
Filed : February 28, 2002

Art Unit : 2835
Examiner : Yean-Hsi Chang

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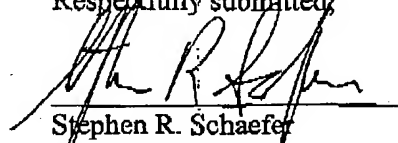
Title : Wearable Computer System and Modes of Operating the System

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is an Interview Summary and Request for Supplemental Action to Action of December 15, 2003, faxed this 6th day of January 2004, to Group 2835, the United States Patent and Trademark Office.

Respectfully submitted,


Stephen R. Schaefer
Reg. No. 37,927

Date: January 6, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. : 10/087,134
Filed : February 28, 2002
Title : WEARABLE COMPUTER SYSTEM AND MODES OF OPERATING THE SYSTEM

Art Unit : 2835
Examiner : Yean-Hsi Chang

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P.O. Box 1450
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INTERVIEW SUMMARY AND REQUEST FOR SUPPLEMENTAL ACTION TO
ACTION OF DECEMBER 15, 2003

In the Action mailed December 15, 2003, the examiner maintained his rejection of all pending claims 1-34, and made his rejection final. In the Action, it is respectfully submitted that the examiner, in his "Response to Arguments" section of the Action (pages 10-11), has addressed some of Applicants' patentability arguments (specifically, those with respect to claims 1-17), but not all of the arguments. In particular, Applicants' arguments with respect to pending claims 18-34 are not addressed in the December 15, 2003 Action. Applicants' attorney conducted an Interview with Examiner Chang on January 6, 2004, and herein requests that a supplemental Action be issued.

Interview Summary

Applicants' attorney wishes to thank Examiner Chang for discussing the Action in a telephone conference conducted on January 6, 2004. The undersigned attorney and Examiner Chang were in attendance for the conference. Applicants' attorney raised the issue with the Examiner that all of applicants' arguments set forth in their November 4, 2003 Amendment in Reply to Action of June 4, 2003 are not addressed in the "Response to Arguments" section of the

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December 15, 2003 Action. The Examiner expressed the following positions on the matter. First, with respect to claims 18-22, the Examiner stated his position, not expressed in the Action, that the claims are directed to "natural language processing," which the Examiner stated is included in the prior art. Next, with respect to all of claims 18-34, the Examiner noted that the claims are directed to both software aspect and structural aspects. The Examiner stated his position, again not expressed in the Action, that the software aspects set forth in claims 18-34 would not be considered for patentability purposes.

No decision was reached in the conference. It was decided that Applicants' attorney would consider these positions, and if appropriate, would submit a communication that Examiner Chang may discuss with his Supervisory Patent Examiner.

Applicants' Remarks

Applicants' attorney has considered the Examiner's positions, and requests that the Examiner supplement the Action to address Applicants' patentability arguments with respect to claims 18-34.

In the "Response to Arguments" section of the Action, the Examiner has addressed only two arguments that were set forth in applicants' November 4, 2003 Amendment. First, the Examiner addressed Applicants' argument that Kishida does not disclose a wearable computer system having a user interface having an audio-only mode of operation. This argument relates to claims 1-17. Second, the Examiner addressed Applicants' argument that Kishida does not disclose the audio signals received by the first audio receiver that do not originate with the user are filtered with an audio filter. This argument relates to claims 10-17. These are the only arguments of Applicants that are addressed by the Examiner. As such, Applicants' arguments with respect to claims 18-34 are not addressed by the Examiner.

With respect to the Examiner's position (stated in the Interview, but not in the Action) that claims 18-22 are directed to "natural language processing," Applicants disagree. "Natural language processing," or "NLP," is a term that links back into the history of Artificial Intelligence (AI), and involves the general study of cognitive function by computational

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processes, normally with an emphasis on the role of knowledge representations, that is to say, the need for representations of our knowledge of the world in order to understand human language with computers. (See the "Natural Language Processing Group" website at <http://nlp.shef.ac.uk/>.) Independent claim 18, by contrast, is directed to a system that is capable of determining whether recognized spoken words constitute a predetermined natural voice command that blends with the natural phrases and terminology commonly spoken by the user. (See Applicants' specification on page 9, lines 24 through page 10, line 28.) In addition, the system of claim 18 responds to predetermined natural voice commands by prompting a processor to execute a predetermined function. The fact that the claimed natural voice command must be a predetermined command, or in other words already known by the system, distinguishes it from the field of "natural language processing" which involves the use of computers to understand human language generally. As such, Applicants disagree with the Examiner's position that claims 18-22 are directed to "natural language processing."

Next, with respect to the Examiner's position (again, stated in the Interview, but not in the Action) that where a claim is directed to both software and structural aspects, the software aspects of the claim are not considered for purposes of patentability, Applicants request that this position be reconsidered and that the applicability of such a rule to the pending claims also be reconsidered. First, Applicants' attorney can find no basis in the law or Patent Office procedures for such a position. Further, Applicants submit that each of claims 13-34 is directed to statutory subject matter, and that recited claim functions that are, or may be, under software control, are limitations on the scope of the claims that should be considered in determining patentability.

Accordingly, Applicants' attorney submits that the positions given by the Examiner in the January 6, 2004 for not considering Applicants' patentability arguments with respect to claims 18-34 lack merit.

CONCLUSION

In conclusion, Applicants respectfully request that a supplemental Action be issued that addresses Applicants' patentability positions for all of the pending claims, and specifically their

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positions with respect to pending claims 18-34 set forth on pages 12-15 of Applicants'
Amendment of November 4, 2003.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Jan. 6, 2004



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